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OFFICE OF PETITIONS

P25-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re : RICHARD E. FORKEY AND RICHARD G. CYR AND  
ROBERT N. ROSS

Serial No. : 10/659,727

Filed : September 10, 2003

FOR : ACYLINDRICAL OPTICAL DEVICES AND METHOD OF  
MANUFACTURE

EXAMINER : Ricky L. Mack

ART UNIT : 2873

February 7, 2005

MAIL STOP 313(c)  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being hand-delivered addressed to Mail Stop 313(c) Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 8, 2005.

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February 8, 2005

Sir:

Petition Under 37 CFR 1.313(c)  
To Withdraw From Issue

2/09/2005 AXELLEY 00000011 10659727  
FC:1464

130.00 DP

Applicants hereby petition to withdraw the above-identified application from issue for purposes of obtaining continued examination regarding newly discovered prior art.

Facts

1. Exhibit 1 is a copy of the Notice of Allowance and Fee(s) Due mailed to Applicants' representative on October 6, 2004.
2. Exhibit 2 is the Fees Transmittal and Payment of the Issue Fee sent to the United States Patent and Trademark Office on December 22, 2004.
3. Exhibit 3 is the PCT Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration that was mailed on January 4, 2005 and received by Applicants' representative on January 6, 2005.
4. Exhibit 3 identifies references not previously considered by the United States Patent and Trademark Office and uses seven of those references in analyzing the claims.
5. Exhibit 4 is a Request for Continued Examination (RCE) Transmittal seeking continued examination in view of the references attached in the enclosed Information Disclosure Statement.
6. Exhibit 5 is an Information Disclosure Statement. Translations of the two German references will be forwarded when they are received.
7. A check for the Petition fee in the amount of \$130.00 is enclosed.

8. A check for the RCE filing fee in the amount of \$395.00 is enclosed.

Summary

Applicants respectfully submit that the foregoing facts constitute good and sufficient reasons why withdrawal of the above-identified application from issue is necessary. Therefore it is respectfully requested that this Petition be granted and that the above-identified application be withdrawn from issue for continued examination with the newly discovered prior art.

If there are any questions, we urge the Examiner to call us collect.

Respectfully Submitted,



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